

**DECLARATION
FOR PATENT APPLICATION**

As an undersigned inventor, I hereby declare that:

My residence, post office address and country of citizenship are as stated directly below my name.

I believe (check one) ☒ I am the original, first and sole inventor
☐ I am a joint inventor and the below named inventors are the
original and first inventors

of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEMS AND METHODS FOR ACTUATING LENS ASSEMBLIES

the specification of which

(check one) ☐ is attached hereto.
☒ was filed on December 10, 2003,
as Application Serial No. 10/732,740,
and was amended on _____.
(if applicable)

I further declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (hereinafter "the Office") all information known to me to be material to patentability of the subject matter which is claimed as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate indicated below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No
_____	_____	_____	_____	X

I hereby claim the benefit under 35 U.S. C. §119(e) of any United States provisional application listed below:

Provisional Application Serial No.

60/437,710

Filing Date

1/2/03

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status (patented, pending, abandoned)

Address all correspondence and telephone calls to the following:

William W. Enders
O'KEEFE, EGAN & PETERMAN
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, TX 78746
(512) 347-1611
(512) 347-1615 (Fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issued thereon.

Full name of original, first and sole inventor: Thao D. Hovanky

Inventor's Signature

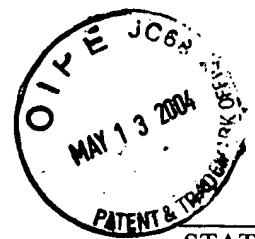
Thao D. Hovanky

5/4/04
Date

Residence: 8412 Silver Mountain Cove, Austin, Texas 78737

Citizenship: U.S.A.

Post Office Address: Same as above
(enter "same" if mailing address is same as residence address)



STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a)(2) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.
COVI:004

Applicant or Patentee: THAO D. HOVANKY

Application No.: 10/732,740

Title: SYSTEMS AND METHODS FOR ACTUATING LENS ASSEMBLIES

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:

CoVi Technologies, Inc.

ADDRESS OF SMALL BUSINESS CONCERN:

8303 North MoPac, Suite B-320
Austin, Texas 78759

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.27(a)(2) and 13 CFR 121.802 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, then I also hereby declare that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below:

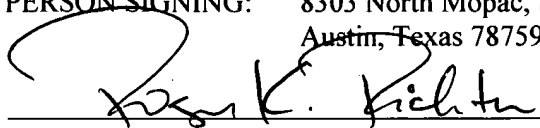
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2)).

NAME OF PERSON SIGNING: Roger K. Richter

TITLE OF PERSON IF OTHER THAN OWNER: Chief Technology Officer

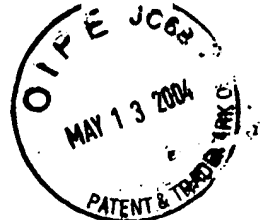
ADDRESS OF PERSON SIGNING: 8303 North Mopac, Suite B-320
Austin, Texas 78759

SIGNATURE:



DATE:

5/4/04



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: THAO D. HOVANKY
Filed: DECEMBER 10, 2003
For: SYSTEMS AND METHODS FOR ACTUATING LENS ASSEMBLIES

Serial No.: 10/732,740
Group Art Unit: UNKNOWN
Examiner: UNKNOWN
Atty Dkt: COVI:004

Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:

5/7/04
Date

Marty Jones
Name

Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313

**STATEMENT UNDER 37 C.F.R. §3.73(b),
ELECTION UNDER 37 C.F.R. §3.71, and
POWER OF ATTORNEY**

Sir:

This document provides a Statement under §3.73 by the Assignee, an Election by the Assignee under §3.71 to prosecute at the exclusion of the inventor(s), and a Power of Attorney from the Assignee.

Statement Under §3.73(b)

The undersigned states that it is the Assignee of the entire right, title and interest in the Patent application identified above by virtue of either:

- A. ☒ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____ The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____ The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____ The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Election under §3.71

The Assignee hereby elects under 37 C.F.R. §3.71 to prosecute the application to the exclusion of the inventor(s).

Power of Attorney

The Assignee revokes any previous Powers of Attorney and appoints Robert M. O'Keefe, Reg. No. 35,630; Richard D. Egan, Reg. No. 36,788; Brian W. Peterman, Reg. No. 37,908, William W. Enders, Reg. No. 41,735, and Maximilian R. Peterson, Reg. No. 46,469, each an attorney of the firm of O'KEEFE, EGAN & PETERMAN, LLP, as its attorney for so long as they remain with such firm with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

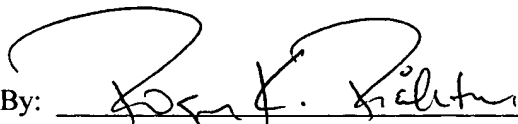
Future Communications

Please direct all communications as follows:

William W. Enders
O'KEEFE, EGAN & PETERMAN, LLP
1101 Capital of Texas Highway South
Building C, Suite 200
Austin, Texas 78746
512/347-1611
FAX 512/347-1615

ASSIGNEE:

CoVi Technologies, Inc.

By: 
(Signature)

Name: Roger K. Richter

Title: Chief Technology Officer

Date: 5/4/04

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to CoVi Technologies, Inc. (the "Assignee"), being incorporated under the laws of the State of Delaware, having a place of business 8303 North MoPac, Suite B-320, Austin, Texas 78759, the entire right, title and interest for the United States and all foreign countries in and to (1) any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/732,740, filed on December 10, 2003 and is entitled "SYSTEMS AND METHODS FOR ACTUATING LENS ASSEMBLIES," (2) such application and all divisional, continuing, continuation-in-part, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; and (3) any and all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such applications in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): Thao D. Hovanky
Thao D. Hovanky

Date: 5/4/04

State of Texas)
County of Travis)

BEFORE ME, the undersigned authority, on this 4th day of May, 2004, personally appeared Thao D. Hovanky, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Kathleen D Smith
Notary or Consular Officer

